

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 JAN 18 AM 9:38

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ruben ACOSTA-Galarza,

Defendant

Magistrate Docket No.

'08 MJ0142

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326  
Attempted Entry After  
Deportation

The undersigned complainant, being duly sworn, states:

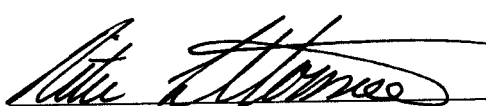
On or about **January 16, 2008** within the Southern District of California, defendant, **Ruben ACOSTA-Galarza**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose, i.e. conscious desire, to enter the United States at or near the Tecate, California Port of Entry, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT

James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **18<sup>th</sup>** of **JANUARY 2008**

  
Nita L. Stormes

UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****Ruben ACOSTA-Galarza****PROBABLE CAUSE STATEMENT**

On January 16, 2008, Border Patrol Agent K. Maudlin was performing line watch duties near the port of entry at Tecate, California. At approximately 3:00 p.m., Agent Maudlin, observed an individual later identified as the defendant, **Ruben ACOSTA-Galarza**, on the south side of the international boundary with Mexico. The defendant was walking westbound along the border approximately 15 feet from the fence. Agent Maudlin then observed the defendant jump the fence into the United States in an area known as "Krutches Pond", which is approximately one quarter mile east of the port of entry at Tecate, California. The defendant continued to walk westbound along the border fence.

Agent Maudlin approached the defendant and identified himself as a Border Patrol Agent and questioned the defendant as to his immigration status. The defendant admitted to being a citizen of Mexico illegally present in the United States. Agent Maudlin placed the defendant under arrest and transported him to the Tecate Processing Center in Tecate, California.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 24, 2003** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his rights as per the Miranda Warning. The defendant admitted that he understood his rights and agreed to be interviewed without representation. The defendant admits that he is a citizen of Mexico illegally present in the United States. The defendant admits that he had been deported by an immigration judge and that he did not apply for permission to legally enter the United States. The defendant admitted that he entered the United States illegally by crossing the international boundary. The defendant stated that he was on his way to Orange County to be with his family.